



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DW 03-02

Paper No. 4

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

COPY MAILED

MAR 22 2002

OFFICE OF PETITIONS

In re Application of :
Crawford et al. :
Application No. 09/994,519 : DECISION GRANTING PETITION
Filed: 26 November, 2001 :
Atty's Docket No. 70629 :

This is a decision on the petition filed on 17 January, 2002, which is treated as a petition requesting that the above-identified application, including Figures 20 and 21 described in the specification, be accorded a filing date of 26 November, 2001.

The petition is granted.

On 26 November, 2001, the application was filed.

On 11 December, 2001, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 11 December, 2001, but that Figures 20 and 21 described in the specification appeared to have been omitted.

In response, on 17 January, 2002, one (1) sheet of drawings containing Figures 20 and 21 and the present petition were submitted. Petitioners assert that Figures 20 and 21 were filed with the other application papers on 26 November, 2001, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 26 November, 2001, with the above-identified application number, and identifies the application by attorney docket number, first named inventor, and invention title, and acknowledges receipt, *inter alia*, of 19 sheets of drawings. Petitioners request that the application, including the one (1) sheet of drawings containing Figures 20 and 21, be

accorded a filing date of 26 November, 2001.

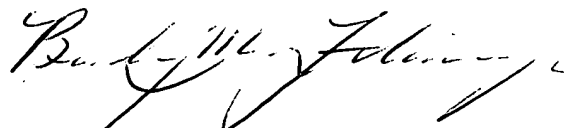
A review of the record reveals that 18 sheets of drawings, containing Figures 1-17, 18a-18b, and 19, are located among the application papers deposited on 26 November, 2001. However, the evidence is convincing that the application papers deposited on 26 November, 2001, included 19 sheets of drawings and that the sheet of drawings containing Figures 20 and 21 were subsequently misplaced in the Office. Therefore, the application, including the one (1) sheet of drawings containing Figures 20 and 21 as described in the specification, is entitled to a filing date of 26 November, 2001.

The "Notice" mailed on 11 December, 2001, is vacated. The petition fee will be refunded to counsel's deposit account, No. 06-1135.

The application will be processed and examined using the application papers filed on 26 November, 2001, and the copy of one (1) sheet of drawings containing Figures 20 and 21 supplied on 17 January, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 26 November, 2001, using the application papers filed on 26 November, 2001, and the one (1) sheet of drawings containing Figures 20 and 21 supplied on 17 January, 2002, and for an indication on the bib-data sheet that 19 sheets of drawings were present on filing.

Telephone inquiries should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.



Beverly M. Flanagan
Supervisory Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy